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AVAN

AN ACT

relating to payment by a water control and improvement district for certain damages caused by the district's operation of a sanitary sewer system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 51, Water Code, is amended by adding Section 51.340 to read as follows:

Sec. 51.340. CERTAIN DAMAGES CAUSED BY SEWAGE BACKUP.

(a) A district may pay actual property damages caused by the backup of the district's sanitary sewer system regardless of whether the district would be liable for the damages under Chapter 101, Civil Practice and Remedies Code.

(b) This section does not waive governmental immunity from suit or liability.

SECTION 2. Section 51.340, Water Code, as added by this Act, applies only to damages caused by the backup of a sanitary sewer system on or after September 1, 2011.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

S.B. No. 1140

David Newkum

President of the Senate

Joe Straus

Speaker of the House

I hereby certify that S.B. No. 1140 passed the Senate on April 14, 2011, by the following vote: Yeas 31, Nays 0.

Daisy Spaw

Secretary of the Senate

I hereby certify that S.B. No. 1140 passed the House on May 13, 2011, by the following vote: Yeas 138, Nays 0, one present not voting.

Robert Haney

Chief Clerk of the House

Approved:

28 MAY '11

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

7:00 PM O'CLOCK

MAY 28 2011

Boyd R. Davis

Secretary of State